

### REMARKS

#### **Rejection Summary**

Claims 10-11 have been rejected under the judicially created doctrine of obviousness-type double patenting.

Applicant respectfully traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in view of the following remarks.

#### **Amendments to the Claims**

No Amendments have been made to the claims.

Therefore no new matter has been added.

No amendment or argument was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

#### **Claim Rejections based on obviousness type double patenting**

The Office Action rejects claims 10 -11 under the judicially created doctrine of obviousness type double patenting over claims 9 of co pending patent application No. 11/972,109. A Terminal Disclaimer is enclosed herewith that disclaims the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the Patent application No. 11/972,109. Accordingly, Applicants respectfully request withdrawal of the rejection under the judicially created doctrine of obviousness type double patenting.

Therefore, Applicants respectfully submit that independent claims 10 and 11 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the Double Patenting rejection.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Respectfully submitted,

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